

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

Michael Jones, #259166, )  
vs. )  
Plaintiff, ) ) Civil Action No.: 3:05-10-TLW-JRM  
vs. )  
Jon E. Ozmint, Director of SCDC, )  
Willie Eagleton Warden of Evans )  
Corr. Inst. (sued in their )  
individual and official capacity); )  
OFC Sims of Evans Corr. Inst.; )  
Lt. (John Doe) name unknown, )  
Defendants. )  
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)

**ORDER**

Plaintiff, Michael L. Jones, ("plaintiff") brought this civil rights action under 42 U.S.C. § 1983. (Doc. #1). The defendants filed a motion for summary judgment on April 30, 2007. (Doc. #20). On May 3, 2007, the plaintiff was provided a copy of the motion and was given an explanation of the summary judgment procedure and the possible consequences if he failed to respond adequately, as required by Rosoboro v. Garrison, 528 F.2d 309 (4<sup>th</sup> Cir. 1975). (Doc. #21). Despite this explanation, the plaintiff did not respond. As the plaintiff is proceeding *pro se*, the court filed a second order on June 18, 2007, allowing the plaintiff an additional fifteen (15) days in which to advise the court whether he wished to continue this action. (Doc. #24). The plaintiff was specifically advised that if failed to respond, this action would be dismissed for failure to prosecute. The plaintiff has not responded to the order.

This matter now comes before this Court for review of the Report and Recommendation ("the

Report") filed by United States Magistrate Judge Joseph R. McCrorey, to whom this case had previously been assigned. (Doc. #26). In the Report, Magistrate Judge McCrorey recommends that the District Court "dismiss the action pursuant to Fed. R. Civ. Proc. 41(b)" for failure to prosecute. (Doc. #26). Objections to the Report were due July 30, 2007. The plaintiff has filed no objections to the Report.

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge's Report and Recommendation to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4<sup>th</sup> Cir. 1983).

The Court has carefully reviewed the Magistrate Judge's Report and Recommendation. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Report and Recommendation is **ACCEPTED** (Doc. #26) and the plaintiff's action is dismissed for failure to prosecute pursuant to Fed. R. Civ. Proc. 41(b).

**IT IS SO ORDERED.**

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S/Terry L. Wooten

Terry L. Wooten  
United States District Judge

October 9, 2007  
Florence, South Carolina